

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re Application of:</b>	<b>Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean Skubitz</b>
<b>Application No.:</b>	<b>10/800572</b>
<b>Filed:</b>	<b>March 15, 2004</b>
<b>For:</b>	<b>Improved Longitudinally Flexible Expandable Stent</b>
<b>Group Art Unit:</b>	<b>3773</b>

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2N-6769-US05

## TRANSMITTAL LETTER

1. In regard to the above-identified application, in addition to this 1 page transmittal letter, we are submitting the attached: **19 page Appeal Brief.**
2. With respect to fees, any fees due are being paid electronically. **A \$510 fee for Filing a Brief in Support of an Appeal was previously paid** on August 29, 2008 and the **\$30 fee difference for Filing a Brief in Support of an Appeal was previously paid** December 16, 2009, which are applicable here because the application did not reach the Appeal Board. Please charge any fee deficiency to Deposit Account No. 22-0350. Please note that a One Month Extension of Time was previously filed and the \$130 fee was previously paid on March 24, 2011. Please charge any fee deficiency to Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**  
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. **Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees associated with this communication to the Deposit Account No. 22-0350.**
5. **Certification:** I hereby certify that this Transmittal Letter and the paper(s) as described herein are being transmitted electronically to the USPTO on April 15, 2011.

Respectfully submitted,  
VIDAS, ARRETT & STEINKRAUS

Date: April 15, 2011

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